

Remarks

In view of the following discussion, the applicants submit that the claims now pending in the application are not anticipated under the provisions of 35 U. S. C. § 102. Thus, the applicants believe that all of these claims are in allowable form.

REJECTIONS

A. 35 U. S. C. § 102

1. Claims 1, 4-5 and 8 and 11-13 are not anticipated by Nakamura

Claims 1, 4-5 and 8 and 11-13 stand rejected under 35 U. S. C. § 102(e) as being anticipated by Nakamura (U. S. Patent application 2003/0142604 published July 31, 2003). Nakamura is not a proper reference pursuant to 35 U. S. C. § 102(e).

The Examiner cites Nakamura which claims priority to an international application PCT/JP01/02070 filed on March 15, 2001. This international application was published as WO 02/075737 on September 26, 2002 in **Japanese**. Applicants have attached a copy of WO 02/075737 on a Supplemental Information Disclosure Statement included with this response.

Pursuant to 35 U. S. C. § 102(e), no benefit of the international filing date is given for 35 U. S. C. § 102(e) prior art purposes, if the international application was **published under PCT Article 21(2) in a language other than English**, regardless of whether the international application entered the national stage.

Further, included with this response please find a certified English copy of Applicant's priority document EP 02292055.7 filed on August 18, 2002, which is prior to the September 26, 2002 publication date of WO 02/075737.

In view of the above, the applicants submit that Nakamura is not prior art and the basis for the Examiner's rejection pursuant to 35 U. S. C. § 102(e) is improper. Therefore, it is respectfully requested that this rejection be withdrawn.

CONCLUSION

Thus, the applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U. S. C. § 102. Consequently, the applicants believe that all of the claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Ms. Patricia A. Verlangieri, at (609) 734-6867, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



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